

Applying for leave

Information for families
and carers of forensic residents



What is forensic leave?

Forensic leave (also just called 'leave') allows forensic residents to leave the disability service where they live for a short period to take part in an activity to help their rehabilitation. Leave might be used to:

- attend a medical appointment
- exercise
- go shopping
- visit family or friends
- attend a TAFE course or educational activity
- go to a place of worship.

If a forensic resident wants leave, they need to apply to the **Forensic Leave Panel**.

What is the Forensic Leave Panel?

The Forensic Leave Panel is an independent tribunal made up of a judge, a psychologist and a community member. The panel makes decisions about leave for forensic residents.

Who can apply for leave?

A **forensic resident** can apply for leave. A forensic resident is someone who is on a custodial supervision order under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* at the Intensive Residential Treatment Program at Fairfield or the Long-Term Residential Program at Bundoora.

Sometimes, a person can be a forensic resident even if they are on another type of order. You can ask staff to help you find out.

How does a resident apply for leave?

The resident will need to fill out an application form. The application form tells the panel:

- what leave the resident wants
- why the resident wants the leave
- how the leave will help the resident's rehabilitation.

Residents can also ask family or carers to help them with the application or to write something in support of their application.

What leave should a resident apply for?

A resident can ask for leave to take part in a range of activities to help their rehabilitation. If successful, a resident will start with a small amount of leave to attend an appointment or to do an activity. As they progress through treatment and after they have shown they can successfully manage leave over a period of time, the panel may increase the locations a resident can visit on leave, increase the length of leave or reduce their supervision while on leave.

Does a resident need to be supervised by staff when on leave?

When a resident is first granted leave, they will be supervised by two or three staff. Staff will support them and monitor their progress. As they progress, they can ask to go on leave accompanied by someone other than staff, such as a support worker or family member. They can also ask to go on leave by themselves. This is called unescorted leave.

The resident needs to show the panel that they can successfully and safely manage taking leave supervised by staff or others over a period of time before they are granted unescorted leave.

Can a resident go on leave with family or carers?

Yes. A resident can apply for leave to do an activity with you – for example, to meet you at a café or a park, or to visit your home.

Although each resident's progress is different, leave with family or carers is usually granted later in the program, following progress in treatment and after they have successfully managed other types of leave activities such as personal shopping and recreation leave.

If a resident asks for you to be included in leave, a member of their care team will contact you to discuss this.

Can residents go on leave at any time of day?

Residents can ask to go on leave between 6.00 am and 9.00 pm.

Residents can also ask to go on leave after 9.00 pm (including for overnight stays), but they cannot do this more than three times in a seven-day period.

When a resident first goes on leave, it will usually be for a short amount of time during the day. As they progress, they may be able to go on leave for a few hours, the whole day or overnight.

What happens after the leave application is made?

The care team will review the application and write reports for the panel about the resident's progress in treatment and programs and make a recommendation about whether the application should be approved. These reports will include information about any discussions between the care team and any family and carers who have been asked to participate in leave. These reports will then be reviewed by managers at the Department of Families, Fairness and Housing.

The panel will have a meeting (also called a hearing) with the resident and their care team to decide if the resident can have leave. The hearing is held at the Intensive Residential Treatment Program site in Fairfield. A resident has a right to be represented at the hearing by a lawyer, or another person such as a family member or carer. It can take up to six weeks from the time a resident applies for leave to have a hearing.

Can family or carers go to the hearing?

Yes, you can attend the hearing if the resident would like. A resident can ask you to come along to the hearing for support, or to represent them.

Will I get any information before the hearing?

Residents will be given a copy of documents about them that the panel will consider at least 24 hours before the hearing. It is up to the resident whether to share these documents with you.

Sometimes, the panel might decide that a resident cannot look at a document due to safety, privacy or confidentiality reasons. The panel may still let the resident's representative read the documents.

How will the Forensic Leave Panel make its decision?

There are two legal tests the panel must consider before they can grant leave. The panel will only grant leave if they think it will:

- help a resident's rehabilitation
- not seriously endanger the resident's safety, or the safety of someone else.

Where can I get more information?

If you would like more information you can speak with:

- the resident's care team
- the Executive Officer of the Forensic Leave Panel (**1800 222 987**)
- a lawyer
 - Victoria Legal Aid (**1300 792 387**)
 - Villamanta Disability Rights Legal Service (**1800 014 111**).

These organisations can provide information to help you understand the leave process. However, they cannot provide advice about an individual resident and they cannot advocate on your behalf.

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